

THE COURTS.

TRIAL OF WM. M. TWEED.

A Spicy Day's Proceedings—Sensations and Snarls in Court—Garvey and Davidson Telling All They Know About It—Tweed and Garvey Exchange "Civilities"—Now the "Swag" Was Drawn.

THE DEPUTY CHAMBERLAINSHIP.

Conclusion of the Argument Upon the Palmer-Foley Injunction—Question as to the Jurisdiction of the Court—It Is Claimed That the Matter Can Only Be Settled by Quo Warranto Proceedings—An Early Decision To Be Given.

THE HON. JUDGE NELSON.

His Retirement from the United States Supreme Court.

FIFTY YEARS UPON THE BENCH.

Important Meeting of the Bar.

An Address To Be Presented to the Great Jurist.

Eloquent Speeches of Charles O'Connor, William M. Evarly, Edwards Pierpont and Clarence A. Seward.

DERELICTION OF POLICE MAGISTRATES.

Delaying the Examination of Parties Charged with Crime—A Case To Be Investigated To-Day in the Supreme Court on Writ of Habeas Corpus.

BUSINESS IN THE OTHER COURTS.

Decisions—General Sessions—Summaries, &c.

In the Tweed trial yesterday there was considerable excitement created by the appearance of Andrew J. Garvey as a witness for the prosecution. The witness' testimony was substantially the same as he gave on the trial of Mayor Hall; nevertheless the audience experienced the full effect of the sensation. J. McBride Davidson was also examined, and the testimony of ex-County Auditor Lynce was corroborative. The Court stands adjourned until Monday morning.

The case of George Washington Bowen vs. Nelson Chase was not resumed yesterday, in consequence of the death of a near relative of one of the jurors. The trial will be continued on Monday next, at eleven o'clock.

In the United States Circuit Court room yesterday a meeting of members of the Bar of this city and State was held under the presidency of Mr. Charles O'Connor, for the purpose of taking measures to present a suitable address to the Hon. Judge Samuel Nelson on his retirement from the bench of the Supreme Court at Washington. An address, which will be found in another column, was adopted. Speeches suitable to the occasion were made by Mr. O'Connor, Mr. Evarly, Mr. Pierpont and Mr. C. A. Seward.

Yesterday William J. Healy, Paymaster of the Navy, who had been charged with conspiring to defraud the government by presenting false vouchers of the funds in his possession to the Fourth Auditor of the Treasury, was released from custody, having given \$5,000 bail before Commissioner Shields.

Another day was occupied yesterday before Judge Barbour, of the Superior Court, in the further hearing of counsel upon the subject of the Palmer-Foley injunction. Mr. Foley's counsel, Sharpley, contended that the Court was not a court of competent jurisdiction, and that it could not grant the injunction asked for, the proper remedy being by quo warranto proceedings to be instituted by the Attorney General of the State. The other side, of course, insist that their proceedings are regular and that they are clearly entitled to the relief sought. After the argument had been brought to a close, Judge Barbour took the papers on both sides and said that he would give a decision at an early day. The temporary injunction meantime remains in full force to his decision.

Judge Barbour, at Supreme Court, Chambers, took occasion yesterday to animadvert upon the custom which it seems prevails to some extent in the police courts of delaying the examination of parties charged with crime. In the case in point the examination day was set down for two weeks after the arrest. The Judge pronounced this all wrong, and the party in question is to be brought before him this morning on writ of habeas corpus.

THE TWEED TRIAL.

An Interesting Day's Proceedings—J. McBride Davidson and Andrew J. Garvey on the Stand—Recounting Between the Ex-Hon. and the Late City Plasterer—A Sensation in Court.

The Tweed trial yesterday proved a little more interesting than on preceding days, in consequence of two witnesses being produced who, for work done and materials furnished for the city in the palmy days of the old Tammany régime, are popularly supposed to have handled considerable of the people's money. These gentlemen were J. McBride Davidson, the "ring" salesman, and Mr. Andrew J. Garvey, the plasterer, decorator and builder.

When the name of A. J. Garvey was called by the clerk as a witness Mr. Tweed's excitement was something remarkable. In fact he looked like a lion restrained from tearing in pieces some choice morsel that was within sight and had excited his rage and appetite. Mr. Garvey presented himself when called with great deliberation, and took his seat on the witness stand, the excitement being intense among the assembled spectators. A rencontre which took place after the recess will be found in the report of the afternoon proceedings below. The morning proceedings consisted of the putting in of secondary evidence from the record and audit books and the warrants of the contents of the missing vouchers.

Mr. Wheeler H. Peckham, standing near the Bench, read out from a list the number of a warrant. Mr. Stephen C. Lynce, who was county bookkeeper under Connolly, sat in the witness chair, with the record book on his knees, and read out the corresponding entry of name, amount, &c., from the book. Mr. Burrill, apparently immersed in the printed report of the Hall trial, sat below the witness, with his heels on the stenographer's

desk, and closely watching the documents as put in evidence.

After the second day had been gone through the witness stand, in reply to a question from Mr. Peckham, that he did not know of any other books or papers relating to the proceedings of the Board of Audit.

Mr. Lynce was then cross-examined, after a discussion, as to the nature of the questions to be asked. In every instance the defence took exception to the rulings. The witness stated, in relation to the routine at the Comptroller's office, that when warrants relating to the county liabilities were returned from the Chamberlain's office to the Comptroller's office, they were not always filled in by him, but in some instances by County Auditor Watson.

A novel feature in the cross-examination of Mr. Lynce was his being handed the minutes of his testimony on the Hagerty and Bauch examination, and asked to read questions and answers, and say whether he would give the same answers now.

This was done.

On the prosecution calling John McBride Davidson to the stand, the defence made this objection:—The first count alleges that there was a genuine liability presented to the Board of Audit by Keyser & Co., and that the Board did not doubt it; while on the second and fourth counts they set forth that the claim was wholly manufactured, and on the third that it was partly true and partly false. Now, on the Hall trial this witness was brought up to prove the claim to be wholly false, and now he is asked to prove the same claim to be true. This is a contradiction.

The witness replied that he was a safe manufacturer, doing business in Duane street; he did work for the city in 1859; he made up his bill and sent it to Mr. Woodward.

Q. How much was that for?

A. I cannot say. I cannot remember.

Counsel—Object to the question and answer, and to such answer and question and answer relating to what passed between him and Woodward as a safe maker and city auditor, and Mr. Tweed not being present.

The witness then testified to his claim being for \$15,000, which was raised in the warrant to \$48,750, out of which he got a check for \$15,000 from Mr. Watson, to whom he was sent by Mr. Woodward.

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word "Jimmy" may perhaps have reference to a well known burlesque on the break in the city treasury. (Laughter.)

Witness continued—I took opportunity to see Mr. Watson and ask him what he would do, and he told me to go to the City Hall and get the money. I then made out the bill as I was instructed by Woodward, for I wanted the money; Woodward generally gave me a satisfactory paper, and the bill was to be made out and the title of the appropriation; I can select from those warrants those that were made out in pursuance of the City Treasurer's order.

Mr. Garvey was handed twenty-seven warrants, and proceeded to identify them. He said that he had received from Woodward a bill for \$1,177,000, drawn from the city treasury; the witness' share of this amount under the 35 per cent arrangement was about \$385,000. Seven other warrants were handed to him, and he identified them also, stating that they were drawn in his favor for a particular purpose, and were paid in accordance with bills made out under an arrangement with Woodward.

Another objection was made to the answer, which embraced Ingersoll's name. Objection overruled. The witness continued—Under that arrangement there was a house and coach house to be built for Comptroller Connolly; I was to do the work and Watson and Ingersoll were to be paid for the work. I said I would cost about one hundred and twenty or one hundred and twenty-five thousand dollars; they agreed to that. I received checks in payment for the work from time to time from Ingersoll, and Ingersoll drew the warrants on the City Treasurer's order. I received a personal check; the endorsement upon these checks (produced) is "James H. Ingersoll." Objection by the defence overruled and exception taken.

The witness made a remark, apparently to explain himself or clear away a misunderstanding as to what passed between him and Woodward. One of the defendant's counsel, noted for it.

LACK OF DIGNITY.

before all Courts, jumped up and said, "I cannot swear."

Witness to the Court—These seven warrants were not made out for work done on the City Hall, but for work done on the City Hall, and for work to be done; they were paid in advance; the only work done was drawing the plans and digging the foundations of the house.

To Peckham—They stated the claim to be genuine, and they state it to be augmented two-thirds.

Judge Davis overruled the objection.

When Mr. Garvey was seated and sworn he is a safe manufacturer, doing business in Duane street; he did work for the city in 1859; he made up his bill and sent it to Mr. Woodward.

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